<u>REMARKS</u>

Applicant acknowledges with thanks the Examiner's indication that claims 48-50 would be allowable if rewritten in independent form to include all of the limitations of the base claims and any intervening claims.

The Examiner rejected claims 1-7, 9-10, 31, 34-40 and 42-45 under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. WO 00/78080 to Sevanto *et al.* in view of U.S. Patent No. 6,744,767 to Chiu *et al.* The Examiner rejected claims 8, 21, 25, 41, 46, 51 and 53 under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Chiu, and further in view of U.S. Patent No. 6,621,793 to Widegren, rejected claims 14, 20, 22 and 47 under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Chiu and further in view of PCT Publication No. WO 00/10357 to Haumont, and rejected claim 26 under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Widegren.

Additionally, the Examiner rejected claims 54-55, 57-59 and 61-62 under 35 U.S.C. §103(a) as being unpatentable over Widegren in view of Sevanto and rejected claims 56 and 60 under 35 U.S.C. §103(a) as being unpatentable over Widegren in view of Sevanto and further in view of U.S. Publication No. 2003/0040297 to Pecen.

In rejecting independent claim 1, the Examiner stated:

> Referring to claim 1, Sevanto teaches: a method (The GGSN per Fig 4 performs the method) comprising:
>
> Determining a type of an access network via which a service is to be provided to user equipment (The GGSN decide or determines to provide the service by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3)
>
> the gateway in the provisions of said service via said access network a traffic flow control policy decided on the basis of the information regarding the type of access network (The GGSN determines to provide the service or provisions by itself or to selects an external service provider based on the APN or type of access network and PDP configuration options per Pg 8 lines 33 to Pg 9 lines 3) (Final Action, page 2)

Applicant respectfully disagrees with the Examiner's contentions.

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Applicant's independent claims 1 recites "determining a type of an access network via which a service is to be provided to a user equipment; and enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network." Thus, to determine the type(s) of service(s), and their associated policies, that can be provided to nodes supported by a particular access network, the type of access network used needs to be determined, e.g., whether the access network supports 2G, 3G, etc.:

> [0042] FIG. 2 shows a flowchart in accordance with an embodiment of the present invention. In step 100 a node associated with the access network signals data associated with an access bearer or a service flow to a gateway. The node may be, for example an SGSN or a user equipment. The data may be signalled in a message from the SGSN or the user equipment to the gateway. The message may be a request for a data bearer or any other message associated with the control of data bearer. At step 102 the gateway may determine the type of the node. For example, it may need to be determined if the node associated with the access network supports only one of 2G and 3G standards or a WLAN standard. Once the type of the node is known, the type of the access network the user equipment is attached to may be determined based on this information. (2005/0135375, page 4, paragraph 42)

In contrast, Sevanto describes a method and an arrangement provided for indicating the specific use of a packet-switched communication connection between a mobile station and a fixed packet-switched data transmission network (Sevanto, Abstract). In describing the exchange of messages between a mobile station (MS), a Serving GPRS Support Node (SGSN) and a Gateway GPRS Support Node (GGSN) through a Base Station Subsystem (BSS), Sevanto explains that the GGSN receives a messages and recognizes from the message's indicator which specific service type is involved. Sevanto further explains that the GGSN then decides, based on the APN and/or the PDP, whether to provide the service itself or select an external service provider:

> At step 206 the GGSN receives the message and recognizes from the indicator according to the invention which specific service type is involved. The GGSN decides to provide the service by itself or to select an external service provider based on the APN and/or the PDP Configuration Options field in the context activation request. The GGSN creates an association with the service attributes and the established tunnel (identified by TID consisting of the user's IMSI and the NSAPI value of the PDP context) (Sevanto, page 8, line 33, to page 9, line 11)

With respect to the term APN, Sevanto explains that:

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The **Access Point Name** or APN 304 is selected by the MS. **An APN is a logical name referring to the external packet data network that the subscriber wishes to connect to.** The selected APN identifies the GGSN and possible other service provider which the MS wants to use for this context. The actual APN to be used (i.e. GGSN and possible additional service provider to be used) can be restricted by the operator by subscription" (Emphasis added, Sevanto, page 7, lines 1-6).

Thus, while a GGSN in Sevanto's system makes a determination as to which system is to provide a particularly requested service (e.g., the GGSN or an external service provider) based on the identity of the packet network the mobile station wishes to connect to and/or the PDP configuration options, Sevanto's system does not base that determination on a type of access network used. Indeed, Sevanto does not even mention "access network". An <u>APN</u>, as described in Sevanto, is not an access network.

Accordingly, Sevanto fails to disclose or suggest at least the features of "determining a type of an access network via which a service is to be provided to a user equipment; and enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network," as required by applicant's independent claim 1.

Chiu fails to cure the deficiencies in the teachings of Sevanto as they relate to the above features of independent claim 1.

Regarding Widegren, on which the Examiner relied upon to reject, *inter alia*, independent claims 54, 58 and 62, the Examiner admitted that "Widegren does not expressly call for: decided on the basis of information regarding the type of access network" (Final Action, page 13). It therefore follows that Widegren also fails to disclose or suggest at least the features of "determining a type of an access network via which a service is to be provided to a user equipment; and enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network," as required by applicant's independent claim 1.

Because none of the cited references discloses or suggests, alone or in combination, at least the features of "determining a type of an access network via which a service is to be provided to a user equipment; and enforcing at a gateway in the provisioning of said service via

said access network a traffic flow control policy decided on the basis of information regarding the type of the access network," applicant's independent claim 1, and the claims depending from it, are patentable over the cited art.

Applicant's independent claims 25, 26, 31, 34, 54, 58 and 62 recite "determining a type of an access network via which a service is to be provided to a user equipment; and enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network," or similar language. For reasons similar to those provided with respect to independent claim 1, independent claims 25, 26, 31, 34, 54, 58 and 62, and the respective claims depending from them, are patentable over the cited art.

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CONCLUDING COMMENTS

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant asks that all claims be allowed.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 39700-613001US/ NC40049US.

Respectfully submitted,

Date: _Aug. 17, 2009_

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